Before the Federal Communications Commission Washington, D.C. 20554

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File No. EB-05-MD-019
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ORDER OF DISMISSAL

Adopted: April 7, 2006 Released: April 7, 2006

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

- 1. On August 29, 2005, APCC Services, Inc., Davel Communications, Inc., Jaroth, Inc. d/b/a Pacific Telemanagement Services, and Intera Communications Corp. (collectively, "Complainants") filed a formal complaint pursuant to section 208 of the Communications Act of 1934, as amended ("Act"), against Covista Communications, Inc., Covista, Inc., and Capsule Communications, Inc. (collectively, "Defendants"). Complainants alleged that Defendants had violated sections 201(b) and 276(b) of the Act by failing to make certain payphone compensation payments.
- 2. On March 27, 2006, Complainants and Defendants filed a joint motion requesting that we dismiss the Complaint with prejudice.⁴ The Joint Motion states that the parties have settled their dispute in its entirety.⁵
- 3. We are satisfied that dismissing the Complaint with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

47 O.S.C. § 200.

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¹ 47 U.S.C. § 208.

² Formal Complaint, File No. EB-05-MD-019 (filed Aug. 29, 2005) ("Complaint").

³ 47 U.S.C. §§ 201(b), 276(b).

⁴ Joint Motion to Dismiss Formal Complaint, File No. EB-05-MD-019 (filed Mar. 27, 2006) ("Joint Motion").

⁵ See Joint Motion at 2.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 201(b), 208, and 276 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 201(b), 208, and 276, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in section 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion IS GRANTED, that the Complaint IS DISMISSED WITH PREJUDICE, and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary H. McEnery Deputy Chief, Market Disputes Resolution Division Enforcement Bureau